

IN SENATE OF THE UNITED STATES.

JUNE 5, 1838.

Submitted, and ordered to be printed.

Mr. WHITE submitted the following

REPORT:

*The Committee on Indian Affairs, to whom were referred the message of the President of the United States, dated 21st of May last, with the documents which accompanied it, and the report of the Secretary of War of the 24th of the same month, on the subject of an appropriation for the benefit of the Cherokee Indians, have had the same under consideration, and respectfully submit the following report :*

By the treaty between the United States and those Indians, dated in December, 1835, they stipulated to remove from the country now occupied by them, within the States of North Carolina, Georgia, Tennessee, and Alabama, and to settle in the country given them in exchange, situate west of the Mississippi, within two years after the ratification of said treaty. It was ratified on the 23d day of May, 1836; those two years, therefore, elapsed on the 23d day of May last.

Each of the States above named have acted on the supposition that the terms of this treaty would be complied with. Georgia has already granted to individual citizens the lands occupied within her limits by those Indians; the Legislatures, both of North Carolina and Tennessee, have passed laws for the sale of such portions as lie within their respective limits. The operations of the laws of any of these States can only be suspended by the Legislature thereof. In some of them, the ordinary time for the meeting of the Legislature, is the next autumn or winter, and in Tennessee, not until the first Monday in October, 1839. Although the respective Governors have the power to convene the Legislatures on extraordinary occasions, yet such calls being always attended with considerable expense to the States, and much personal inconvenience to the members, it is not very probable that all, if any, of the Governors of those States would be willing to exercise this branch of their constitutional power, merely for the purpose of enlarging the time for the contemplated removal; and if they did, considerable time must elapse before any satisfactory modification of their laws could be made, should the Legislatures be disposed to modify them, which is, to say the least of it, very doubtful.

Under all these circumstances, the committee believe it would be very impolitic in the Federal Government to encourage an expectation on the part

of the Indians that any extension of time for their removal can or will be agreed to by any of the States. On the contrary, they believe the Cherokees ought to be distinctly and candidly informed that as speedy a removal as circumstances will permit is the only sure mode of avoiding those collisions between them and the whites, which must endanger the peace of the country, and add to the discontents which have heretofore prevailed.

By the treaty before referred to, the sum of six hundred thousand dollars was agreed to be paid by the United States, for the purpose of indemnifying those who had been injured by depredations committed by citizens of the United States, and for the purpose of enabling the Indians to remove to their new homes. How this fund has been disposed of, or whether any and what part of it yet remains to be expended, the committee do not know.

They believe the five millions of dollars given by the treaty as the difference in value between the countries exchanged, and the six hundred thousand dollars before mentioned, allowed for spoliations, and as a fund for removal, constitute a very liberal consideration on the part of the Federal Government; yet the committee would feel much better satisfied that too much should be done for the Cherokees than too little. If, therefore, the voluntary grant of an additional sum of money can be made a means of hastening their removal to their new homes, of dispensing with the use of a large military force, and of insuring confidence in the justice of the Government, and of restoring harmony and good feelings, they believe economy, humanity, and peace will be best consulted by making such grant.

With a view to attain these objects, the committee would respectfully recommend to the Senate that, in the passing of some appropriation bill still to be acted on, an item be inserted placing a reasonable sum of money at the disposal of the Executive.

In relation to what the Secretary of War states in his communication to the Cherokee delegation, on the subject of the annuities due under the treaty of 1819, the committee would take the liberty of remarking, that the treaty of 1825 commutes the old annuity of ten thousand dollars, and provides that the profits of the sum for which it was commuted, for the then next two years, be laid out in provisions for the benefit of a certain class of the Cherokees. How far this stipulation has been complied with, the committee do not know. They believe the necessary fund was appropriated by Congress. If it has been properly expended, the annuities have been paid; if it has not, the money ought still to be on hand, and they do not, at present, see the propriety of any new appropriation for that object.

With regard to the manner in which the Indians shall be removed, the committee believe that must be left, in a great degree, under the control of the Executive Department; but they would fail in the discharge of their duty, if they did not most earnestly recommend, both as a measure of economy and humanity, that the Indians be accompanied by such an escort as will secure the whites, through whose country they may pass, from all depredations, and at the same time secure the Indians from all ill usage from any quarter whatever.